

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ITEM NO. 7

TENTATIVE ORDER NO. R9-2006-0104

**WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT
SECTION 401 WATER QUALITY STANDARDS CERTIFICATION
FOR RANCHO MISSION VIEJO, LLC,
RANCHO MISSION VIEJO RANCH PLAN PLANNING AREA 1, ORANGE COUNTY**

RESPONSES TO COMMENTS FROM RANCHO MISSION VIEJO (DISCHARGER)

Comment #	Paraphrased Comment	Response
Comments on Tentative Order No. R9-2006-0104		
1	Requirement C.2 should be modified to require the elimination of dry-weather discharges and associated bacteria to the maximum extent practicable because the elimination of indicator fecal bacteria is infeasible.	This requirement has been edited to reflect that elimination of fecal indicator bacteria is an objective of best management practice (BMP) design and implementation, and that the Discharger is not required to eliminate all bacteria in discharges.

Comment #	Paraphrased Comment	Response
2	Requirement C.15 should be removed because infiltration-based stormwater treatment BMPs are not proposed in the Master Area / Sub-Area Water Quality Management Plan (WQMP).	This requirement has been revised to more closely match the guidance from the California Stormwater Quality Association for the use of extended detention basins. The threat to groundwater from extended detention basins depends on the design of the basin, soil types, depth to groundwater, and local climatic conditions that affect soil moisture. The Discharger is required to assess soil and groundwater conditions and to modify the BMP designs accordingly.
3	Requirement D.8 should be modified to specify that stormwater treatment is only required consistent with the first-flush design criteria of Requirement E.2, rather than requiring all stormwater to be fully treated.	This requirement has been modified to reflect that the proposed mitigation areas are located off-site and not adjacent to the proposed development. Because the Discharger owns and/or operates land adjacent to the proposed off-site mitigation areas, the Discharger can feasibly implement BMPs to protect the mitigation areas.
4	Requirement E.4 should be deleted because potential stormwater treatment BMPs were discussed within the <i>Master Area / Sub-Area WQMP</i> , and runoff from Cow Camp Road will be treated by a proposed extended detention basin.	This requirement has been modified to clarify which roads are subject to future reporting. The Discharger has already proposed that runoff from Cow Camp Road be directed to one of the planned extended detention basins. Plans will be submitted for the remaining roads not addressed in the <i>Master Area / Sub-Area WQMP</i> .

Comment #	Paraphrased Comment	Response
5	Requirement E.5 should be deleted because authority to review WQMPs lies with the County of Orange as delegated by the Regional Board in the municipal NPDES storm water permit.	This requirement has been not revised because it is appropriate for the Discharger to submit final plans for stormwater treatment to the Regional Board so that compliance with the Order and protection of long-term water quality can be assessed.
6	Requirement E.6 should be modified to require educational materials consistent with the County of Orange stormwater plan. This would include a general description of BMP facilities rather than precise locations of all BMPs, which seems excessive.	This requirement has been edited to require that typical BMPs used in the development sub-areas be included on educational maps. Information specific to the Sub-area, rather than a general description of BMP facilities in the entire Planning Area is necessary.
7	Requirement E.7.b should be deleted because the authority to review plans for stormwater BMP operations and maintenance lies with the County of Orange.	This requirement has been not revised because it is appropriate for the Discharger to submit final operations and maintenance plans for stormwater treatment to the Regional Board so that compliance with the Order and protection of long-term water quality can be assessed.

Comment #	Paraphrased Comment	Response
Comments on Attachment A (Project Description) to Tentative Order No. R9-2006-0104		
8	The description of stormwater BMPs should be corrected to include information regarding the proposed roads. BMPs for Cow Camp Road are set forth in the WQMP. BMPs for Ortega Highway, La Pata Avenue, and Antonio Parkway have not been finalized.	Page A-4 of Attachment A has been revised to note that the Discharger plans to treat stormwater runoff from Cow Camp Road with one of the water quality basins identified in the <i>Master Area / Sub-Area WQMP</i> .
Comments on Attachment C (Monitoring and Reporting Program) to Tentative Order No. R9-2006-0104		
9	Requirement No. 2 of the Monitoring and Reporting Program should reference the requirements for visual monitoring within the statewide Construction General Stormwater Permit (State Board Order NO. 99-08-DWQ).	This requirement has been retained in order to clarify Regional Board expectations for assessing the conditions at storm drain outfalls during the construction phase of the project. The General Construction Storm Water Permit is often misinterpreted regarding the need to visually assess the condition of receiving waters at storm drain outfalls.

Comment #	Paraphrased Comment	Response
10	<p>Requirement No. 4(b) of the Monitoring and Reporting Program should be modified to provide a functional assessment after five years instead of every two years. This would remain consistent with the reporting requirements of the Special Area Management Plan (SAMP). In addition, the functional model may not be able to detect changes after only two years because a larger area than the 0.77 acres of enhancement is necessary to be evaluated for the model to detect the effects. Within five years additional enhancement is expected to occur adjacent to the mitigation site, which will allow the functional model to better assess the mitigation area.</p>	<p>The frequency of habitat mitigation monitoring with the use of a functional assessment technique has been changed to once after five years instead of every two years. Interim mitigation monitoring will be conducted to ensure that the habitat enhancement efforts are providing increased habitat and hydrology functions. In addition, tentative Order Requirement D.3.b. has been modified to specify additional acreage of habitat enhancement mitigation activities in the case that the functional assessment monitoring fails to demonstrate anticipated functional benefits have occurred in areas of invasive species removal.</p>
11	<p>Requirement No. 5 of the Monitoring and Reporting Program should be modified to remove the reference to biannual functional assessment consistent with Comment No. 10.</p>	<p>The habitat mitigation monitoring reporting requirements have been revised to reflect the change in frequency of functional assessment monitoring in Requirement 4(b).</p>

Comment #	Paraphrased Comment	Response
12	Requirement No. 7 of the Monitoring and Reporting Program should be deleted because bioassessment monitoring is not necessary given the carefully developed management plans developed in the Coordinated Planning Process with other resource agencies. If the Science Review Panel for those other efforts believes bioassessment is necessary, then it would be conducted.	The requirement for bioassessment monitoring has been modified because the County of Orange currently has a long-term bioassessment monitoring station in close proximity to the site. The data collected by the County is reported annually to the Regional Board per terms of the municipal storm water NPDES permit (Regional Board Order No. R9-2002-01). The Discharger is required to ensure that its construction activities do not prohibit the County from continuing to collect the data. If access to the County's bioassessment site is restricted by the Discharger, then the Discharger will be responsible for implementing an annual bioassessment program.
13	Requirement No. 10 of the Monitoring and Reporting Program should be modified to reflect the draft BMP monitoring plan submitted to the County of Orange to satisfy requirements in the Environmental Impact Report.	The requirement to monitor the effectiveness of post-construction stormwater treatment BMPs has been modified in response to the <i>Planning Area 1 - Water Quality BMP Monitoring Plan</i> ¹ (Plan) submitted by the Discharger on October 3, 2006. BMP monitoring requirements were revised to conform to the Plan, with the addition of two chemical parameters (dissolved oxygen and total organic carbon) in the tentative requirements. Because the Plan proposes to increase the number of monitoring events per year, the duration of monitoring was shortened to three years from five. If monitoring data fails to demonstrate the BMPs are functioning properly after three years, monitoring will be continued for at least two additional years.

¹ *Planning Area 1 - Water Quality BMP Monitoring Plan* (GeoSyntech Consultants, Draft September, 25, 2006). This plan was submitted as a response to the tentative requirements.

Comment #	Paraphrased Comment	Response
Comments on Attachment D (Fact Sheet) to Tentative Order No. R9-2006-0104		
14	Rancho Mission Viejo wishes to clarify that it will retain ownership of all areas proposed to be dedicated as open space.	The final paragraph on page D-13 has been revised to indicate that the Discharger will retain ownership of all areas proposed as dedicated open space.